

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM SEPTEMBER 20, 2023
OPEN SESSION

MINUTES OF SEPTEMBER 20, 2023 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN FOSTER CAMPBELL, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, COMMISSIONER DAVANTE LEWIS, AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of September 20, 2023, convening at 9:36 a.m., and adjourning at 1:06 p.m., Natchez Room, 602 N. 5th Street, 1st Floor, Baton Rouge, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present.

Ex. 1	<p>Executive Counsel Kathryn Bowman announced that next month’s Business & Executive Session will be held October 18, 2023 in Metairie at Copeland Towers. She also announced that the Public Utility Section of the Louisiana Bar Association will hold its annual CLE on Friday, December 1st at the City Club in Baton Rouge, with registration details forthcoming.</p> <p>Chairman Campbell suggested moving the December Business & Executive Session to an earlier date than the scheduled meeting on December 20, as well as confirmed that the meeting will be held in Natchitoches, Louisiana.</p> <p>Commissioner Greene discussed the FERC ruling in Docket No. EL18-152 and potential actions that can be taken by the Commission for customer refunds pursuant to said order.</p> <p>Commissioner Lewis welcomed two new Staff members to District 3, Torey Naquin and Annie Matthews. He also stated his support for a new federal program, Solar for All, and that he intends to work with Commission Staff to ensure the Commission’s current rules are not a challenge to receive funding under this new federal program.</p>
Ex. 2	<p>S-36714 - DISH Wireless L.L.C., ex parte. In re: Petition for designation as an Eligible Telecommunications Carrier ("ETC") within the State of Louisiana for the limited purpose of providing Lifeline Service to qualifying customers.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Chairman Campbell, with Vice Chairman Francis and Commissioner Lewis concurring, and Commissioner Skrmetta opposing, the Commission voted to accept the Staff Report and Recommendation filed into the record on August 30, 2023. The motion passed 4:1.</p> <p>Present for Questions/Comments: Sola Lee, Counsel for Dish Wireless, LLC</p>

<p>Ex. 3</p>	<p>S-36673 - Chevron Phillips Chemical Pipeline Company, LLC, ex parte. In re: Application to increase rates for transportation of petroleum on its ethylene system for LPSC Tariff 9.5.0.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>Exhibit No. 4 on August 16, 2023 Business & Executive Session.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Commissioner Greene and Commissioner Lewis concurring, and Commissioner Chairman Campbell opposing, the Commission voted to accept the Staff Report and Recommendation filed into the record on July 21, 2023. The motion passed 4:1.</p> <p>Present for Questions/Comments: Gary Garverick, Pipeline and Terminals Asset Coordinator at Chevron Phillips April Andrews, Government and Public Affairs Lead at Chevron Phillips</p>
<p>Ex. 4</p>	<p>R-30479 - LPSC, ex parte. In re: Development of a funding mechanism for jurisdictional gas utilities for research and development programs.</p> <p>In re: Discussion and possible vote on Staff's Report and Recommendation.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Staff Report and Recommendation filed into the record on August 29, 2023.</p> <p>Present for Questions/Comments: Bob Morris, GTI Energy</p>
<p>Ex. 5</p>	<p>R-31106 - Louisiana Public Service Commission, ex parte. In re: Rulemaking to study the possible development of financial incentives for the promotion of energy efficiency by jurisdictional electric and gas utilities.</p> <p>In re: Discussion and possible vote on budget increase for J. Kennedy & Associates,</p> <p>After discussion, on motion of Commissioner Greene, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to approve the budget increase of J. Kennedy of \$139,000 and no additional expenses, for a total not to exceed budget of \$139,000 due to a scope expansion, and for a monthly cap of \$25,000 to assist in either Phase II implementation or continued work on Phase II rules beyond 2023.</p> <p>Present for Questions/Comments: Phil Hayet, J. Kennedy and Associates</p>
<p>Ex. 6</p>	<p>R-35423 - Louisiana Public Service Commission, ex parte. In re: Rulemaking to Study Renewable Energy Tariff Options with a Focus on Bringing New Renewable Resources into Louisiana.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Commissioner Lewis, with Chairman Campbell and Vice Chairman Francis concurring, and Commissioner Skrmetta temporarily absent, the Commission voted to accept Staff's recommendation included in the Phase I Report filed into the record of Docket No. R-35462 on August 29, 2023, which closes Docket No. R-35423 and moves consideration of Green Tariffs, including Staff's Recommendation and comments filed therein, into Docket No. R-35462.</p>

<p>Ex. 7</p>	<p>R-36830 - Louisiana Public Service Commission, ex parte. In re: Possible amendments to General Order dated January 12, 1976 as it pertains to intrastate insurance filings for motor carriers.</p> <p>In re: Discussion and possible vote to amend General Order dated January 12, 1976 relating to intrastate insurance filings for motor carriers.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Chairman Campbell, with Vice Chairman Francis and Commissioner Lewis concurring, and Commissioner Skrmetta temporarily absent, the Commission voted to accept Staff’s Final Recommendation and amend and supersede the General Order dated January 12, 1976, consistent with Staff’s recommendation filed September 7, 2023.</p>
<p>Ex. 8</p>	<p>U-29203 - Entergy Gulf States, Inc. and Entergy Louisiana, Inc. In re: Joint Application of Entergy Gulf States, Inc. and Entergy Louisiana, Inc. for Interim and Permanent Recovery in Rates of Costs Related to Hurricanes Katrina and Rita;</p> <p>U-30981 - Entergy Gulf States Louisiana, L.L.C. and Entergy Louisiana, LLC. In re: Joint Application for Recovery in Rates of Costs Related to Hurricanes Gustav and Ike;</p> <p>U-32764 - Entergy Louisiana, LLC and Entergy Gulf States Louisiana, LLC. In re: Joint Application for Recovery in Rates of Costs Related to Hurricane Isaac, Determination of Appropriate Storm Reserve Escrow Amounts and Related Relief.</p> <p>U-35991 - Entergy Louisiana, LLC, ex parte. In re: Application for Recovery in Rates of Costs Related to Hurricanes Laura, Delta, Zeta and Winter Storm Uri and for Related Relief; and</p> <p>U-36350 - Entergy Louisiana, LLC, ex parte. In re: Application for recovery in rates of costs related to Hurricane Ida and for related relief.</p> <p>In re: Discussion and possible vote to accept and approve the Annual Report of the Louisiana Utilities Restoration Corporation to the Louisiana Public Service Commission for the fiscal year 2023 dated August 23, 2023, including the annual Operating Budget for fiscal year 2024 and the interim and annual Compiled Financial Statements for fiscal year 2023.</p> <p>After discussion, on motion of Vice Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept and approve the Fiscal Year 2023 Annual Report of the LURC to the Commission, including the Annual Operating Budget for the fiscal year ending June 30, 2024 and interim and compiled annual financial statements for the fiscal year ending June 30, 2023 submitted therewith.</p> <p>Present for Questions/Comments: Jamie Watts, Special Counsel to the LURC Emory Belton, Constituent of District 3</p>
<p>Ex. 9</p>	<p>U-36133 - Dixie Electric Membership Corporation, NextEra Energy Marketing, LLC and Amite Solar, LLC. In re: Joint Application for Approval of Power Supply Agreements.</p> <p>In re: Discussion and possible vote on budget increase of Stone Pigman and United Professionals Company due to scope expansion.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to approve the budget increases, due to a scope expansion, for Stone Pigman for an additional budget not to exceed \$46,500 in fees and for United Professionals Company for an additional budget of \$25,000 in fees and \$500 in expenses for a total additional budget not to exceed \$25,500.</p>

<p>Ex. 10</p>	<p>U-36169 - Southwestern Electric Power Company, ex parte. In re: Application for Authorization to Install Advanced Meters in Accordance with the Commission’s General Order dated September 22, 2009.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Campbell and Commissioner Lewis concurring, and Commissioner Greene temporarily absent, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>After discussion, on motion of Chairman Campbell, seconded by Commissioner Skrmetta and unanimously adopted, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on August 24, 2023.</p> <p>Present for Questions/Comments: Jonathan McCartney, Counsel for SWEPCO Tom Brice, CFO of SWEPCO Erin Hansen, Together Louisiana</p>
<p>Ex. 11</p>	<p>U-36174 - Southwestern Electric Power Company, ex parte. In re: Application for Recovery of Certain Storm Damage Costs Incurred as a Result of Hurricane Laura and Delta and the February 2021 Winter Storm Event, related securitization financing, establishment of a storm reserve, and for recovery of storm damage costs associated with the June 2023 storms.</p> <p>In re: Discussion and possible vote on budget increase for Stone Pigman and United Professionals Company due to scope expansion.</p> <p>After discussion, on motion of Chairman Campbell, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to approve the budget increase, due to a scope expansion, of Stone Pigman for an additional budget not to exceed \$125,000 in fees and United Professionals Company for an additional budget of \$82,500 in fees and \$2,500 in expenses for a total additional budget not to exceed \$85,000.</p>
<p>Ex. 12</p>	<p>U-36612 - Pierre Part Natural Gas Company, Inc., ex parte. In re: Request for Extension of Rate Stabilization Plan.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to approve the Uncontested Stipulated Settlement filed into the record on August 7, 2023.</p>
<p>Ex. 13</p>	<p>U-36626 - Town & Country Service Company, Inc., ex parte. In re: Application for adjustment in retail rates.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Chairman Campbell, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to approve the Uncontested Stipulated Settlement filed into the record on August 23, 2023.</p>

<p>Ex. 14</p>	<p>U-36808 - Washington - St. Tammany Electric Cooperative, Inc., ex parte. In re: Formula Rate Plan Annual Report for 2022 Test Year.</p> <p>In re: Discussion and Possible Vote on Amended Joint Report and Draft Order.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to accept the Amended Joint Report and issue the Draft Order filed into the record on September 6, 2023.</p> <p>Present for Questions/Comments: Kara Kantrow, Counsel for Washington-St. Tammany Electric Cooperative, Inc. Dane Hocott, General Manager of Washington-St. Tammany Electric Cooperative, Inc.</p>
<p>Ex. 15</p>	<p>1) Reports</p> <p>Report from Staff on RDOF Funding Status.</p> <p>Executive Counsel Kathryn Bowman provided an update to the Commission.</p> <p>2) Resolutions</p> <p>Resolution showing support for state legislation in the 2024 session to support a tax credit for the purchase of electric generator systems to ensure services to the communities of the state during power outages.</p> <p>After Staff’s recitation of the proposed Resolution and discussion, Commissioner Lewis opposed the proposed Resolution. Chairman Campbell, Vice Chairman Francis, Commissioner Skrmetta, and Commissioner Greene voted to support the proposed Resolution. The Resolution was adopted with a vote of 4:1.</p> <p>Present for Questions/Comments: Erin Hansen, Together Louisiana</p> <p>3) Discussions</p> <p>4) ERSC/OMS/SPP</p> <p>Discussion and possible vote to ratify a vote taken by Commissioner Greene via proxy, acting as the Commission's representative on the Board of Directors of the Organization of MISO States.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Lewis, with Chairman Campbell and Vice Chairman Francis concurring, and Commissioner Greene abstaining, the Commission voted to ratify Commissioner Greene’s vote via proxy taken on August 14, 2023.</p> <p>5) Directives</p> <p>Directive to jurisdictional utilities regarding foreign relationships.</p> <p>At the request of Commissioner Skrmetta.</p> <p>Exhibit 15 on August 2023 Business and Executive Session.</p> <p>There are reasonable concerns regarding security risks posed by foreign manufactured components included in all energy devices, including renewable energy devices, that can affect the control of distributable power. These devices can be a risk to our national security. The true danger can lay in the internet-based aspects of devices - which makes it an element of the global cyberspace – clearly making aspects prone to hacking, security breaches and the ability to be completely sabotaged at the discretion of unfriendly governments. These actions will restrain and reduce our vulnerabilities.</p>

	<p>Therefore, I direct the jurisdictional electric utilities to cease purchasing, and including, any foreign produced devices in electric utilities from specified jurisdictions. Specifically, no equipment or device of any kind manufactured in the People's Republic of China, Democratic People's Republic of Korea, the Russian Federation or the Islamic Republic of Iran shall be purchased, included or utilized by any electric utility, whether investor owned or member cooperative. This directive is effective immediately upon approval by the Commission.</p> <p>Further, I direct all jurisdictional utilities to immediately cease contracting on issues relating to IT, or CIT, services of any kind, including through direct contractors, or subcontractors, with any company or governmental agency originating within the People's Republic of China, Democratic People's Republic of Korea, the Russian Federation or the Islamic Republic of Iran.</p> <p>After discussion, Commissioner Lewis opposed the directive. Chairman Campbell, Vice Chairman Francis, Commissioner Skrmetta, and Commissioner Greene voted in support of the directive. The directive passed with a vote of 4:1.</p>
<p>Ex. 16</p>	<p>U-35807 - Cleco Power LLC, ex parte. Application for Recovery in Rates of Certain Storm Damage Costs Incurred as a Result of Hurricanes Laura, Delta, and Zeta and Winter Storms Uri and Viola, Related Securitization Financing and Establishment of a Storm Reserve.</p> <p>In re: Discussion and possible vote on Uncontested Proposed Stipulated Settlement.</p> <p>At the request of Commissioner Skrmetta.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to accept the Uncontested Proposed Stipulated Settlement filed into the record on August 31, 2023.</p>
<p>Ex. 17</p>	<p>U-36809 - Concordia Electric Cooperative, Inc., ex parte. In re: Formula Rate Plan Annual Report for 2022 Test Year.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>At the request of Vice Chairman Francis.</p> <p>After discussion, on motion of Chairman Campbell, seconded by Commissioner Skrmetta, with Vice Chairman Francis and Commissioner Lewis concurring, and Commissioner Greene temporarily absent, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on September 15, 2023.</p> <p>Present for Questions/Comments: Russell Purvis, Outside Counsel for Concordia Electric Cooperative Dewayne Bailey, General Manager for Concordia Electric Cooperative</p>
<p>Ex. 18</p>	<p>Update on the Project Cypress Direct Air Capture (DAC) Hub located in Southwest Louisiana.</p> <p>At the request of Chairman Campbell.</p> <p>Secretary Frey read questions related to the construction and operation of the Project Cypress Direct Air Capture (DAC). Chairman Campbell request that a representative of the Project be present at the October Business and Executive Session to answer these questions. Commissioner Skrmetta also requested confirmation on how the Project will be powered, via green energy or through the grid.</p>

<p>Ex. 19</p>	<p>FERC Docket No. EL18-152, Louisiana Public Service Commission v. System Energy Resources, Inc., and FERC Docket No. ER23-2821, Entergy Services, Inc.</p> <p>In re: Possible Executive Session to discuss litigation strategy pursuant to La. R.S. 42:16, et seq.</p> <p>At the request of Commissioner Greene.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to enter into Executive Session.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to exit Executive Session.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to take an item out of order.</p> <p>Commissioner Skrmetta made the following motion, which was seconded by Commissioner Lewis, and unanimously adopted. I move to authorize counsel to amend the Commission’s compliant filed in Docket No. EL21-56 at the Federal Energy Regulatory Commission to broaden the time period covered and the basis for the complaint to the extent that the Staff and Special Counsel deems appropriate.</p>
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On motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, October 18, 2023 at 10:00 a.m. in Metairie, Louisiana at Copeland Towers, 2601 Severn Avenue, Metairie, LA 70002.